

**EXHIBIT 1**

**UNREDACTED VERSION  
OF DOCUMENT  
SOUGHT TO BE SEALED**

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION

---oOo---

WAYMO LLC,

Plaintiff,

vs.

No. 3:17-cv-00939-WHA

UBER TECHNOLOGIES, INC.;  
OTTOMOTTO LLC; OTTO TRUCKING,  
INC.,

Defendants.

\_\_\_\_\_/

HIGHLY CONFIDENTIAL ATTORNEYS' EYES ONLY

WAYMO LLC RULE 30(b)(6)

VIDEOTAPED DEPOSITION OF PIERRE-YVES DROZ

PALO ALTO, CALIFORNIA

THURSDAY, AUGUST 3, 2017

REPORTED BY:

ANDREA M. IGNACIO, CSR, RPR, CRR, CCRR, CLR ~

CSR LICENSE NO. 9830

JOB NO. 2663199

PAGES 1 - 371

1 Do you see those names? 09:46

2 A I see those names. 09:46

3 Q Aside from those names, was there anybody 09:46

4 else directly involved in the development of Trade 09:46

5 Secret No. 25? 09:46

6 MR. JAFFE: Objection; outside the scope. 09:46

7 Mr. Droz is not designated with regard to Trade Secret 09:46

8 No. 25. 09:46

9 THE WITNESS: I don't -- yeah, I don't think 09:46

10 I can answer that question as a -- you know, as the -- 09:46

11 I haven't been prepared to answer that question, so -- 09:46

12 MR. KIM: I'm sorry. 09:46

13 THE WITNESS: I have not been prepared to 09:46

14 answer that question. 09:46

15 MR. KIM: Q. So you can't answer that 09:46

16 question? 09:46

17 MR. JAFFE: So just to be clear, if you have 09:46

18 personal knowledge, you can still answer. 09:46

19 THE WITNESS: Okay. So I can -- I can answer 09:46

20 that question as, you know -- 09:46

21 MR. KIM: Sure. 09:46

22 THE WITNESS: -- based on my personal 09:46

23 knowledge -- 09:46

24 MR. KIM: Okay. 09:46

25 THE WITNESS: -- not based on Waymo's. 09:46

1           MR. KIM: Q. Is there anybody else, other           09:47  
2   than the individuals listed on Exhibit 1274 --           09:47  
3           A    So.           09:47  
4           Q    -- that were directly involved in the           09:47  
5   development of Trade Secret No. 25?           09:47  
6           MR. JAFFE: Objection; outside the scope.           09:47  
7           THE WITNESS: So based on my personal           09:47  
8   knowledge --           09:47  
9           MR. KIM: Yes.           09:47  
10          THE WITNESS: -- this one, you know, involved   09:47  
11   a lot of people. You know, putting a line on what is   09:47  
12   direct involvement versus, you know, like, a side       09:47  
13   involvement or -- because it required a lot of           09:47  
14   testing, a lot of engineering test cases, and a lot       09:47  
15   of --           09:47  
16          So -- so I think, you know, the -- the list       09:47  
17   here involves the people that I think were at least       09:47  
18   sort of -- at least some of the people that were       09:47  
19   involved in it. I -- I would not be sure that, you       09:47  
20   know, there are not other people involved in it.       09:47  
21          But that's -- that's from my personal --       09:47  
22   like, I was also not -- you know, I was also not       09:47  
23   directly involved with this -- sorry. I was directly       09:47  
24   involved with it, but I was not one of the -- the,       09:47  
25   like, program manager or -- for this specific           09:47

1 development.

09:48

2 And so it is hard to -- I couldn't list all  
3 the people, their involvement.

09:48

09:48

4 MR. KIM: Q. So if I understand your  
5 testimony correctly, you were directly involved --

09:48

09:48

6 A Yes.

09:48

7 Q -- in the development of Trade Secret 25;  
8 correct?

09:48

09:48

9 A I was.

09:48

10 Q Who do you consider to be the person most  
11 knowledgeable about deposition -- about trade  
12 secret -- the development of Trade Secret No. 25?

09:48

09:48

09:48

13 MR. JAFFE: Objection; beyond the scope.

09:48

14 THE WITNESS: So as personal -- like,  
15 personal opinion, I think Ben Ingram is very  
16 knowledgeable in this trade secret. That's --

09:48

09:48

09:48

17 MR. KIM: Q. That's who you would consider  
18 to be most knowledgeable about trade -- development of  
19 Trade Secret No. 25?

09:48

09:48

09:48

20 MR. JAFFE: Objection; beyond the scope.

09:48

21 THE WITNESS: He would not be the only  
22 person. Actually, you know, some other people may be  
23 quite knowledgeable about it. But Ben is very  
24 knowledgeable about it.

09:48

09:48

09:48

09:48

25 MR. KIM: Okay.

09:48

1 Q Who else would be as knowledgeable as Ben 09:48  
2 Ingram? 09:48

3 MR. JAFFE: Objection; beyond the scope. 09:48

4 THE WITNESS: Same thing. That would be as 09:48  
5 a -- as a personal -- like, Chris was knowledgeable 09:49  
6 about it. Chris Ledger. I'm sorry. 09:49

7 MR. KIM: Okay. 09:49

8 Q And both Ben Ingram and Chris Ledger would be 09:49  
9 more knowledgeable about the development of Trade 09:49  
10 Secret 25 than you would? 09:49

11 MR. JAFFE: Objection; beyond the scope. 09:49

12 THE WITNESS: So, based on my personal 09:49  
13 knowledge, the -- so they would be more knowledgeable 09:49  
14 than me, yes. 09:49

15 And again, you know, the -- the -- you know, 09:49  
16 my involvement in these trade secrets was mostly as an 09:49  
17 engineer and as a contributor to it, not as a program 09:49  
18 manager or any -- 09:49

19 So I think, you know, we're starting both -- 09:49  
20 you know, outside the scope of what I, like, you know, 09:49  
21 as a personal -- 09:49

22 MR. KIM: Okay. 09:49

23 Q If you'd turn to page 60. 09:49

24 A (Witness complies.) 09:49

25 Q Do you see Trade Secret No. 90? 09:49

1	A	I do.	09:49
2	Q	Next to Trade Secret No. 90 is Bernard	09:49
3		Fidric.	09:49
4		Do you see that name?	09:49
5	A	Uh-huh.	09:49
6	Q	Aside from Mr. Fidric, was there anyone else	09:49
7		directly involved in the development of Trade Secret	09:50
8		No. 90?	09:50
9	A	So directly involved?	09:50
10	Q	Yes.	09:50
11	A	Yeah, I think Bernard was the only person.	09:50
12	Q	The only person?	09:50
13	A	Yes.	09:50
14	Q	Are you knowledgeable about the development	09:50
15		of Trade Secret 90?	09:50
16	A	I am knowledgeable.	09:50
17	Q	You are knowledgeable?	09:50
18	A	Yes.	09:50
19	Q	And how are you knowledgeable?	09:50
20	A	By kind of being a side observer of the	09:50
21		development process.	09:50
22	Q	Did you have conversations with Mr. Fidric	09:50
23		before your deposition today?	09:50
24		MR. JAFFE: So, I just want to caution you, I	09:50
25		think he's -- he's asking in preparation for your	09:50

1 deposition, if you had. 09:50

2 THE WITNESS: Okay. 09:50

3 MR. JAFFE: So you can answer that yes or no. 09:50

4 THE WITNESS: No, not in preparation of 09:50

5 the -- 09:50

6 MR. KIM: Q. You did not speak with him in 09:50

7 preparation for this deposition? 09:50

8 MR. JAFFE: Same caution. You can answer yes 09:50

9 or no. 09:50

10 THE WITNESS: No. 09:50

11 MR. KIM: Q. Have you talked to Mr. Fidric 09:50

12 about this case at all? 09:50

13 MR. JAFFE: So I want to caution you not to 09:50

14 reveal any attorney-client privileges. So to the 09:50

15 extent that you've had conversations with Mr. Fidric 09:51

16 in the context of working with your attorneys, such as 09:51

17 me -- 09:51

18 THE WITNESS: Yeah. 09:51

19 MR. JAFFE: -- or anyone else in the legal 09:51

20 department, I instruct you not to answer. 09:51

21 But if you had conversations with him outside 09:51

22 of that context, you can answer. 09:51

23 MR. KIM: Q. And right now, I'm just asking 09:51

24 you if you've had conversations with him -- 09:51

25 A So -- 09:51





1 THE WITNESS: Sorry. Go ahead. 13:34

2 MR. JAFFE: One -- one second here. 13:34

3 THE WITNESS: Yes. 13:34

4 MR. JAFFE: So, Mr. Droz is here subject to 13:34

5 our objections. As I stated at the outset of this 13:34

6 deposition, he's designated on the development of the 13:34

7 asserted trade secrets other than 25. So I just want 13:34

8 to make that clear for the record. 13:34

9 Go ahead. 13:34

10 THE WITNESS: [REDACTED] [REDACTED]

[REDACTED] [REDACTED] [REDACTED] [REDACTED]

[REDACTED] [REDACTED] [REDACTED]

[REDACTED] [REDACTED] [REDACTED] [REDACTED]

[REDACTED] [REDACTED] [REDACTED] [REDACTED]

[REDACTED] [REDACTED] [REDACTED] [REDACTED]

[REDACTED] [REDACTED] [REDACTED] [REDACTED]

[REDACTED] [REDACTED] [REDACTED] [REDACTED]

[REDACTED] [REDACTED] [REDACTED] [REDACTED]

[REDACTED] [REDACTED] [REDACTED] [REDACTED]

[REDACTED] [REDACTED] [REDACTED] [REDACTED]

[REDACTED] [REDACTED] [REDACTED] [REDACTED]

[REDACTED] [REDACTED] [REDACTED] [REDACTED]

[REDACTED] [REDACTED] [REDACTED] [REDACTED]

[REDACTED] [REDACTED] [REDACTED] [REDACTED]

25 MR. JAFFE: Objection; form; outside the 13:35

1 scope. 13:35

2 THE WITNESS: [REDACTED] [REDACTED]

3 [REDACTED] [REDACTED]

4 [REDACTED] [REDACTED]

5 [REDACTED] [REDACTED]

6 [REDACTED] [REDACTED]

7 [REDACTED] [REDACTED]

8 [REDACTED] [REDACTED]

9 [REDACTED] 13:35

10 MR. KIM: Q. So, you're not prepared to talk 13:35

11 about the cost of development of Trade Secret No. 2 as 13:35

12 Waymo's corporate designated witness; is that correct? 13:35

13 A I'm not. 13:35

14 (Document marked Exhibit 1278 13:36

15 for identification.) 13:36

16 THE VIDEOGRAPHER: 1278. 13:36

17 THE WITNESS: Thank you. 13:36

18 MR. KIM: So I've marked for identification, 13:36

19 as Exhibit No. 1278, an e-mail from John McCauley at 13:36

20 Quinn Emanuel, dated Wednesday, August 2nd, 2017, at 13:36

21 7:56 p.m. 13:36

22 Q And, if you look at the second paragraph, it 13:36

23 says: 13:36

24 "Waymo designates Mr. Droz to testify with 13:36

25 regard to Topics 9 and 10 of Uber's second 30(b)(6) 13:37

1 notice to Waymo for the currently asserted trade 13:37  
2 secrets, except for Trade Secret 25. For Trade 13:37  
3 Secret 25, Waymo will designate a different witness. 13:37  
4 Waymo objects to Topic 9 on the ground that the 13:37  
5 request for testimony as to 'any documents that 13:37  
6 reflect such development' is overbroad and vague and 13:37  
7 does not comply with Judge Alsup's standing order as 13:37  
8 it relates to 30(b)(6) topics. Accordingly, for 13:37  
9 Topic 9, Mr. Droz will be designated on the 13:37  
10 development of the asserted trade secrets other than 13:37  
11 Trade Secret 25, but not on 'any documents' that 13:37  
12 reflect the development." 13:37  
13 Do you see that? 13:37  
14 A I do. 13:37  
15 Q Do you see any objection to testifying about 13:37  
16 the -- the time or cost of development of the Waymo 13:37  
17 trade secrets? 13:37  
18 MR. JAFFE: Hold on. 13:37  
19 THE WITNESS: Okay. 13:37  
20 MR. JAFFE: Are you asking him to interpret 13:37  
21 our own letter? 13:38  
22 MR. KIM: Q. I'm asking you if you see -- 13:38  
23 MR. JAFFE: These are improper questions. 13:38  
24 MR. KIM: This is improper -- are you even 13:38  
25 stating an objection? 13:38

1 MR. JAFFE: I'm objecting to the question as 13:38  
2 improper. 13:38

3 MR. KIM: Well, that's an improper objection, 13:38  
4 according to your own interpretation of Judge Alsup's 13:38  
5 rule. 13:38

6 Q You can answer the question. 13:38

7 A I mean, I'm -- I'm not a le- -- I'm not a 13:38  
8 legal person. 13:38

9 MR. JAFFE: Hold on. Hold on. Hold on. 13:38

10 I'm going to caution the witness not to 13:38  
11 reveal any attorney-client communications. 13:38

12 This is also outside the scope. 13:38

13 Go ahead. 13:38

14 THE WITNESS: I mean, I don't have legal 13:38  
15 training; right? That's -- 13:38

16 MR. KIM: Q. I'm asking you -- 13:38

17 A To me, it's a very -- like, it seems like a 13:38  
18 complex legal subject. But the -- the exact scope 13:38  
19 of -- and so I -- yeah, I can't make a legal -- I 13:38  
20 can't give you a legal opinion. 13:38

21 Q And I'm not asking for a legal opinion. 13:38

22 A Okay. 13:38

23 Q I'm saying: Do you see anywhere in your 13:38  
24 counsel's e-mail where they object to you testifying 13:38  
25 about the time and cost of the development of the 13:38

1 alleged Waymo trade secrets? 13:38

2 MR. JAFFE: So hold on. Hold on. 13:39

3 I'm going to object to the extent that this 13:39

4 calls for attorney-client information. It's also 13:39

5 outside the scope. 13:39

6 Go ahead. 13:39

7 THE WITNESS: I mean, you asked me to -- to 13:39

8 see if I see something in there that -- you know, I 13:39

9 would need to interpret exactly what -- what is the 13:39

10 meaning of that -- you know, the paragraph that -- I 13:39

11 mean, it seems -- I don't even know what -- what was, 13:39

12 you know, Judge Alsup's outstanding order as referred 13:39

13 here. 13:39

14 And so I -- I just can't answer the question. 13:39

15 MR. KIM: Q. You can't answer the question? 13:39

16 Can you answer this question: Are you 13:39

17 prepared to testify about the time and cost of 13:39

18 development of the alleged Waymo trade secrets? 13:39

19 A I prefer to answer the -- the -- the -- you 13:39

20 know, the development, like, time, yes. 13:39

21 Q What about the cost of development? 13:39

22 A No, I was not prepared for the cost of 13:40

23 development. 13:40

24 Q So, if you'd turn back to Exhibit 1275. 13:40

25 A Actually -- okay. Sorry. 13:40

1 THE VIDEOGRAPHER: There. 13:40

2 THE WITNESS: Sorry. Can you go back? I 13:40

3 just want to see again No. 9. 13:40

4 Yeah, so, you know, I think -- yeah. Okay. 13:41

5 MR. KIM: Q. Did you want to change your 13:41

6 testimony? 13:41

7 A The -- I don't -- I have too many -- you 13:41

8 know, like, I think that the -- the -- you know, 13:41

9 for -- like, here, I think that the other questions 13:41

10 that you asked earlier, like, are getting to, like, 13:41

11 legal -- like, technical legal territories that, you 13:41

12 know, I don't have, like, a very, like, deep 13:41

13 understanding of. 13:41

14 So I just want to state that -- that 13:41

15 basically, I'm not, like, a -- the -- you know, I'm -- 13:41

16 my expertise is more in engineering and the -- the -- 13:42

17 my experience of the development of lasers. 13:42

18 Making a judgment call on exactly, like, 13:42

19 what -- you know, interpreting some of those documents 13:42

20 here is beyond the scope of what I can provide. 13:42

21 Q Okay. 13:42

22 A I just want to make -- 13:42

23 Q Well, I -- I think my most recent question 13:42

24 didn't require a legal conclusion. 13:42

25 I just wanted to ask you: Are you prepared 13:42

1 to testify today about the cost of development of the 13:42  
2 alleged Waymo trade secrets? 13:42

3 MR. JAFFE: Objection; form. 13:42

4 So, I want to caution the witness not to 13:42  
5 reveal any attorney-client communications. 13:42

6 THE WITNESS: Yeah, so I'm -- I'm not going 13:42  
7 to change the answer, but -- 13:42

8 MR. KIM: Q. Your previous answer stands? 13:42

9 A So -- 13:42

10 MR. JAFFE: I mean, if you have a question 13:42  
11 about some privileged communication, we can talk about 13:43  
12 that. 13:43

13 THE WITNESS: Yeah. 13:43

14 MR. JAFFE: But -- 13:43

15 THE WITNESS: I mean, actually, maybe I think 13:43  
16 the -- the -- right now, that would be -- I -- 13:43  
17 actually, I think I do have a question about 13:43  
18 privilege; okay? 13:43

19 But -- because you're asking me about the -- 13:43  
20 yeah, I think -- I think that your question is 13:43  
21 privileged. 13:43

22 MR. KIM: Q. Well, let me try to rephrase my 13:43  
23 question -- 13:43

24 A Yes. 13:43

25 Q -- and hopefully avoid some privilege issue. 13:43



1 Are you knowledgeable about the cost of 13:43  
2 development of Trade Secret No. 2? 13:43

3 A I am not knowledgeable of the details of the 13:43  
4 cost -- the development cost of -- of Trade Secret 13:43  
5 No. 2. 13:43

6 Q But you have some knowledge? 13:43

7 A I have some knowledge. 13:43

8 Q Who has the most knowledge, in your opinion, 13:43  
9 about the development costs for Trade Secret No. 2? 13:43

10 A I'm not sure. But I think the -- the -- you 13:44  
11 know, more, like, our, like, financial people in the 13:44  
12 company would have more. 13:44

13 Q Someone in particular? 13:44

14 A I'm trying to think. Not -- not that I would 13:44  
15 know. Like, I mean, obviously, I -- I don't remember 13:44  
16 exactly, like, who -- I mean, someone in -- more in 13:44  
17 the financial planning for -- for -- for -- for Waymo. 13:44  
18 But I don't remember the name of the person who is in 13:44  
19 the financial planning, so -- 13:44

20 Q Who would you ask? 13:44

21 A I would -- I would -- I will try to -- to see 13:45  
22 who is -- yeah, I would -- I would try to get the -- 13:45  
23 the -- who is doing the -- the financial planning for 13:45  
24 the -- the development cost. 13:45

25 Q I'm just asking -- 13:45

1           A     Yeah. Sorry. Go ahead.                                 13:45

2 Q -- who would you ask to find out who the 13:45

3 right person would be to -- to find out the cost of 13:45

4 development for the alleged trade secrets, including 13:45

5 Trade Secret No. 2? 13:45

6 A So, I don't remember his name, but there is 13:45

7 the -- the -- we do, you know, the -- the -- I'm 13:45

8 trying to remember the -- I mean, I'm trying to 13:45

9 remember the name of the -- the person who is doing 13:46

10 the -- the -- the -- you know, the budget for each of 13:46

11 the teams of the -- and I just can't remember his 13:46

```
12  name. 13:46
```

13 I would actually go and, like, the -- you 13:46

14 know, basically, on the directory inside Waymo and 13:46

```
15    find his name, but... 13:46
```

16           0     Okay. So I understand you have some                               13:46

17 knowledge, though; correct? 13:46

18           A     I do have some knowledge.                                 13:46

19 Q Okay. So if you'll look at Exhibit 1275, 13:46

20 page No. 103. 13:46

21           A    I'm sorry. Can you give me the page number           13:46

22 again? 13:46

23 Q Yes. 103. 13:46

24 A (Witness complies.) 13:46

25 Yes. 13:46

1 Q Okay. Do you see at line 12, under the 13:46  
2 heading "Trade Secret 2," it says: 13:46

3 "Information potentially relevant to 13:46  
4 determining such cost estimates includes information 13:46  
5 that has been produced at WAYMO-UBER-00027045." 13:47

6 And then there's a series of Bates numbers 13:47  
7 after that. 13:47

8 A Uh-huh. 13:47

9 Q WAYMO-UBER-00014506, WAYMO-UBER-00012830, 13:47  
10 WAYMO-UBER-00014078, and -- 13:47

11 A Yes. 13:47

12 Q -- WAYMO-UBER-00014489. 13:47

13 A Uh-huh. 13:47

14 Q Okay. So I'm going to mark those as 13:47  
15 exhibits. 13:47

16 (Document marked Exhibit 1279 13:47  
17 for identification.) 13:47

18 THE VIDEOGRAPHER: 1279. 13:47

19 THE WITNESS: Okay. Thank you. 13:47

20 (Document marked Exhibit 1280 13:48  
21 for identification.) 13:48

22 THE VIDEOGRAPHER: 1280. 13:48

23 THE WITNESS: Thank you. 13:48

24 (Document marked Exhibit 1281 13:48  
25 for identification.) 13:48

1 THE VIDEOGRAPHER: 1281. 13:48

2 THE WITNESS: Thank you. 13:48

3 (Document marked Exhibit 1282 13:48

4 for identification.) 13:48

5 THE VIDEOGRAPHER: 1283. 13:48

6 (Document marked Exhibit 1283 13:49

7 for identification.) 13:49

8 MR. KIM: Okay. 13:49

9 Q So, why don't we work backwards and take a 13:49

10 look at Exhibit 1283. 13:49

11 A (Witness complies.) 13:49

12 Q What is 1283? 13:49

13 For the record, it's Bates 13:49

14 No. WAYMO-UBER-00027045, and it's a printout of what 13:49

15 looks like a -- maybe some sort of spreadsheet. 13:49

16 MR. JAFFE: Objection; beyond the scope. 13:49

17 THE WITNESS: So it seems to be, as you say, 13:49

18 a spreadsheet with -- you know, I see a year. I 13:50

19 see -- actually, a date, like a month. And then 13:50

20 the -- there are amounts corresponding to, I think, 13:50

21 some kind of, I guess, expense that's -- that's 13:50

22 describing column 3. 13:50

23 MR. KIM: Q. Have you seen this document 13:50

24 before? 13:50

25 A No. 13:50

1 Q Okay. Can you tell me where in this document 13:50  
2 the costs for developing Trade Secret No. 2 are 13:50  
3 reflected? 13:50

4 MR. JAFFE: Objection; beyond the scope. 13:50

5 THE WITNESS: I mean, this is a huge 13:50  
6 document, a lot of line items. I don't think, like -- 13:50  
7 plus, by the way, I'm going to point out that most 13:50  
8 items are secret but it's almost impossible to read 13:50  
9 what they are. They look all similar, so I can't. I 13:50  
10 don't know if someone could. 13:50

11 MR. KIM: Q. But, sitting here today, you're 13:50  
12 not prepared to tell me what portion of this document 13:51  
13 reflects the costs of developing Trade Secret No. 2; 13:51  
14 correct? 13:51

15 MR. JAFFE: Objection; beyond the scope; 13:51  
16 form. 13:51

17 THE WITNESS: Yeah, I mean, the -- I mean, 13:51  
18 you know, just going back to the -- the -- to the -- 13:51  
19 the -- you know, this document, the -- the rog 13:51  
20 responses, the -- you know, I read here that, you 13:51  
21 know, the -- the -- and basically that -- and there 13:51  
22 are, I saw in this, what would be the -- or actually, 13:51  
23 like -- because, you know, like, I think, you know, a 13:51  
24 lot of -- of costs, you know, that was spent 13:51  
25 developing this -- this trade secret. You know, it's 13:52

1 the trade secret itself. And not only just the -- the 13:52  
2 cost of the few engineers that were -- or the few -- 13:52  
3 or the engineers that -- that directly worked on it. 13:52

4 The -- and so that I think it would be -- I 13:52  
5 would need to isolate in this list both, like, what is 13:52  
6 directly used for this, but also, like, all the costs 13:52  
7 that was, you know, used coming up to all the ideas 13:52  
8 and coming up to all the development. And that may be 13:52  
9 all of it, for what I know. So it may be just one -- 13:52  
10 one line, or it may be the whole thing. 13:52

11 MR. JAFFE: Mr. Kim, I mean, maybe it would 13:52  
12 save us some time. I mean, I -- I can just repeat 13:52  
13 what I said. He's not designated on the costs. 13:52

14 MR. KIM: Q. So let me ask you the same 13:52  
15 question for -- with respect to Trade Secret No. 7. 13:52  
16 Can you tell me what in this document reflects the 13:52  
17 development costs for Trade Secret No. 7? 13:52

18 MR. JAFFE: You're -- you're wasting your 13:53  
19 time. If you're going to ask for more time, we are 13:53  
20 going to show this as an example of you not using your 13:53  
21 time properly. I told you he's not designated on it. 13:53

22 I'm going to object as beyond the scope. 13:53

23 THE WITNESS: So I just -- before I answer 13:53  
24 anything, I just want to know -- remember what 7 is. 13:53

25 MR. KIM: Okay. 13:53

1 THE WITNESS: Okay. I remember what 7 is, 13:53  
2 and same thing. I can't -- 13:53

3 MR. KIM: Okay. And I'm going to try to save 13:53  
4 some time here. 13:53

5 Q So, is it fair to say, for any of the trade 13:53  
6 secrets that you're prepared to talk about the 13:53  
7 development of, you can't tell me what portion of 13:53  
8 Exhibit 1283 reflects the development costs for those 13:53  
9 trade secrets? 13:53

10 A So I was not prepared for that. 13:53

11 And I just want to point out to you, by the 13:53  
12 way, it would seem very difficult to me, just as an 13:53  
13 impression, like, that maybe you could just take this 13:53  
14 list -- this massive list of a lot of expenses, and on 13:53  
15 the spot pick out, like, you know, this one, that one, 13:54  
16 and then submit it up and figure out a number. 13:54

17 Q It would be very difficult to tell from this 13:54  
18 document? 13:54

19 A That's not what I said. It would be very 13:54  
20 difficult to tell, you know, from, like, you know, 13:54  
21 during the deposition, like, you know, the document 13:54  
22 figuring out the -- 13:54

23 Q Okay. Is that fair to say? 13:54

24 So again, I'm trying to save some time here. 13:54

25 A Okay. 13:54

1 Q So, you know, the other documents that are 13:54  
2 reflected in that interrogatory response that I've 13:54  
3 marked as Exhibits 1279, 1280, 1281, 1282, is it fair 13:54  
4 to say that you couldn't tell me what portions of 13:54  
5 those documents reflect the costs for the various 13:54  
6 trade secrets that you're designated to testify as to 13:54  
7 the development of? 13:54

8 MR. JAFFE: Objection; form. 13:54

9 THE WITNESS: So -- so I'm not prepared as -- 13:54  
10 not as far as the -- the -- as Waymo, you know, like, 13:54  
11 you know, for the company, what part of this cost is. 13:54

12 The -- as a personal, like, opinion, I think 13:55  
13 that the -- the -- I mean, a -- a lot of this relate 13:55  
14 to -- to -- same thing. I couldn't isolate specific 13:55  
15 numbers specifically. 13:55

16 But, I mean, a lot -- a lot of this cost was 13:55  
17 spent designing technology that ended up into these 13:55  
18 trade secrets. There was a lot of things that went 13:55  
19 into this. And so that there's probably, like, a lot 13:55  
20 of items in the listing that contributes to that, but 13:55  
21 I cannot sort them, like, specifically. 13:55

22 MR. KIM: Okay. 13:55

23 Q So I understand that -- well, let me just ask 13:55  
24 you. On deposition Topic No. 9, I understand your -- 13:55  
25 your counsel has objected to that topic. 13:56



1           If you want to see Exhibit No. 1273.           13:56

2           A    Okay. I also just pointing out that, you           13:56

3 know, you've shown me a lot of documents here that           13:56

4 I'm --           13:56

5           Q    Yes.           13:56

6           A    -- it's -- it's clear, you know, like the --           13:56

7 the -- the -- one, I was not preparing about all           13:56

8 documents related to -- to the development. This is           13:56

9 not a --           13:56

10          Q    Well --           13:56

11          A    I don't think you can expect me to be           13:56

12 prepared on every single document you can show me           13:56

13 that --           13:56

14           MR. JAFFE: Mr. Kim, do you want to meet and           13:56

15 confer regarding our objections? I think trying to do           13:56

16 this through the witness is not productive.           13:56

17           MR. KIM: Q. So, Mr. Droz, let me just ask           13:56

18 you: Have you seen any of these documents prior to           13:56

19 your deposition?           13:56

20           MR. JAFFE: I'm going to object to form.           13:56

21           MR. KIM: Q. I'm specifically referring to           13:56

22 Exhibits 1279 through 1282, and 12 -- we already           13:57

23 talked about 1283.           13:57

24           So, just looking at 1279, have -- have you           13:57

25 previously seen Document 1279?           13:57

1           A     I need to find 1279. 1278 -- oh, 1279. 13:57

2                     So let me -- I mean, I think from -- you 13:57

3 know, if this document is what I think it is, you 13:57

4 know, the -- the -- it seems to be the -- the 13:57

5 agreement for the -- the merger of 510 and -- and 13:57

6 Google of the -- the acquisition of 510 by Google. 13:57

7                     And I have seen the documents a long time 13:57

8 ago. And this is a very dense document. I mean, I 13:57

9 couldn't, like, say that I just, like, have all the 13:57

10 information memorized or understood. 13:57

11           Q     Okay. But if I understand your testimony 13:57

12 correctly, you've got personal knowledge as to what is 13:58

13 reflected in here, but you're not -- 13:58

14           A     I have -- I have personal knowledge which 13:58

15 relates to how, like, reading -- me reading this 13:58

16 document about five, six years ago. And it's a very 13:58

17 technical and complex document. So it's -- it's -- I 13:58

18 don't think you can expect me to have perfect 13:58

19 knowledge of it. 13:58

20           Q     Okay. Fair enough. 13:58

21                     And what about Exhibit 1280? Have you seen 13:58

22 that before? 13:58

23           A     I think very -- you know, same thing as with 13:58

24 this document. I've seen this document a long time 13:58

25 ago; actually, almost six years ago -- more than 13:58

1 six years ago and -- yeah, same thing. I would not 13:58  
2 have -- the knowledge I have from it is from memory 13:58  
3 from, like, six years ago. 13:58

4 Q How about Exhibit 1281? 13:58

5 A 1281. So that document is -- from my 13:59  
6 understanding of what this document is is that the 13:59  
7 actual description and -- and -- of the program. So, 13:59  
8 I mean, I read this document probably the first time 13:59  
9 for, like -- for -- like, fully read, four years ago, 13:59  
10 maybe, something like that. It's actually more than 13:59  
11 that. 13:59

12 And I have referred to the document, like, a 13:59  
13 few times during the last, like, six years to find 13:59  
14 specific points in it. But I don't -- same thing. I 13:59  
15 don't have, like, an extensive knowledge of it. 13:59

16 Q Okay. And what about Document 1282? 13:59

17 A 1282. So I'm actually not sure that I've 13:59  
18 seen in the past the term sheet for Anthony's Robots. 13:59  
19 I could be wrong, though. But I -- you know, as a 14:00  
20 matter of fact, I'm not sure if I've seen that 14:00  
21 document before. 14:00

22 Q Okay. You know, earlier I asked you, What 14:00  
23 did you do to prepare for your deposition today? 14:00

24 A Yes. 14:00

25 Q And specifically in preparation for your 14:00

1 deposition testimony today as a 30(b)(6) witness, were 14:00  
2 you shown any documents that refreshed your 14:00  
3 recollection? 14:00

4 MR. JAFFE: I'm just going to caution the 14:00  
5 witness not to reveal any attorney-client 14:00  
6 communications. 14:00

7 But you can answer that. 14:00

8 THE WITNESS: So I was -- I -- I -- so 14:00  
9 documents and -- you know, for example, one example is 14:00  
10 the -- the '936 patent. You know, that is -- that's 14:00  
11 something we looked at -- I looked at. 14:00

12 MR. KIM: Q. And that refreshed your 14:00  
13 recollection as to something that you had forgotten? 14:00

14 MR. JAFFE: Well, I'm just going to object to 14:00  
15 form. 14:00

16 And caution the witness not to reveal any 14:00  
17 attorney-client communications. 14:01

18 THE WITNESS: And so -- so I also know there 14:01  
19 that "refreshed my recollection" is a -- has a legal 14:01  
20 term here -- has a legal meaning here. 14:01

21 So just the -- you know, the way -- the way, 14:01  
22 like, '936 is, I'm not a -- it's not something that I 14:01  
23 memorized, like -- so -- so we, you know, looked 14:01  
24 at '936 yesterday to -- to -- you know, basically, 14:01  
25 that -- that -- to -- to -- to make sure -- you know, 14:01

1 to actually make sure that the -- that I want to make 14:01  
2 sure it had, you know, the -- the basic information in 14:01  
3 it, right, and not just from memory. 14:01

4 MR. KIM: Q. So was there something in there 14:01  
5 that you had forgotten and remembered after looking at 14:01  
6 it? 14:02

7 A There's -- I mean, there's all -- you know, I 14:02  
8 mean, the -- when we last time had, you know, looked 14:02  
9 at document was quite a while back. And so the -- 14:02  
10 the -- I don't remember when, but -- and so that there 14:02  
11 are things in it that I didn't remember and that, by 14:02  
12 looking at it, I, after that, remembered. 14:02

13 Q Okay. And, aside from the '922 pat- -- 14:02  
14 '936 patent, was there any other document that 14:02  
15 contained information that you had forgotten until you 14:02  
16 reviewed it yesterday? 14:02

17 A Yeah, so another document, for example, was 14:02  
18 the -- the, you know, schem- -- the -- the simulations 14:02  
19 and schematics for simulation that I had done in -- 14:02  
20 like, before -- you know, before coming up with the -- 14:02  
21 the concept of '936. And so we looked at this. 14:02

22 Q What else? 14:03

23 A The -- we looked at the -- an article from 14:03  
24 the -- the Washington Post. 14:03

25 And there were a lot of documents. I'm 14:03

1 trying to remember all documents we looked at. 14:03

2 We looked at the -- I'm trying to remember. 14:03

3 I mean, the -- the trade secret list was one of them. 14:03

4 The interrogatory response was another. 14:03

5 I mean, I have a hard time making an 14:03

6 exhaustive list because there was, like, a lot of 14:03

7 things. 14:03

8 But the -- we looked at also, like, files 14:03

9 that were part of the -- the download. So there was 14:04

10 one page of a schematic that came from, like, a GBr 14:04

```
11    schematic that came from SVN.                                     14:04
```

12                    There were also documents about, you know,                    14:04

13     this -- this presentation that we talked about     14:04

14 earlier, like, [REDACTED] [REDACTED]

[REDACTED] . 14:04

16 And the -- we also looked at, I think, the 14:04

17      ERS, like, the GBr Tx ERS. 14:04

18 And there was also a presentation, like, a 14:04

19 [REDACTED]

[REDACTED]. 14:05

21 That's what I remember. I mean, there may be 14:05

22 more, but I think that's what I remember now. 14:05

23 Q So, what about that one-page schematic file 14:05

24 from the SVN? 14:05

25            A     Yes.

14:05

1 MR. KIM: -- after the deposition started. 19:18

2 MR. JAFFE: I -- I disagree. 19:18

3 MR. KIM: Can you -- 19:18

4 MR. JAFFE: What I'm trying to do is ask you 19:18

5 what you want him to talk about. Someone else is 19:18

6 going to be designated on cost. 19:18

7 MR. KIM: He was also not prepared to talk 19:18

8 about the deposition for which he did not contribute 19:18

9 to the development and did not even bother to talk 19:18

10 to -- 19:18

11 MR. JAFFE: The deposition he didn't 19:18

12 contribute to? That doesn't make sense. 19:18

13 MR. KIM: The trade secret that he was not 19:18

14 part of developing. 19:18

15 MR. JAFFE: You didn't even put the document 19:18

16 in front of him. 19:18

17 MR. KIM: Yeah, well, like I said, I -- 19:18

18 MR. JAFFE: He has factual knowledge. 19:18

19 MR. KIM: I have more time -- 19:18

20 MR. JAFFE: Go forth. 19:18

21 You don't have anymore time. 19:18

22 MR. KIM: Well -- 19:19

23 MR. JAFFE: What do you want -- 19:19

24 MR. KIM: Okay. 19:19

25 MR. JAFFE: -- what do you want to do? 19:19

CERTIFICATE OF REPORTER

I, ANDREA M. IGNACIO, hereby certify that the witness in the foregoing deposition was by me duly sworn to tell the truth, the whole truth, and nothing but the truth in the within-entitled cause;

That said deposition was taken in shorthand by me, a disinterested person, at the time and place therein stated, and that the testimony of the said witness was thereafter reduced to typewriting, by computer, under my direction and supervision;

That before completion of the deposition, review of the transcript [x] was [ ] was not requested. If requested, any changes made by the deponent (and provided to the reporter) during the period allowed are appended hereto.

I further certify that I am not of counsel or attorney for either or any of the parties to the said deposition, nor in any way interested in the event of this cause, and that I am not related to any of the parties thereto.

Dated: August 4, 2017



ANDREA M. IGNACIO,

RPR, CRR, CCRR, CLR, CSR No. 9830